

## § 64.6

## 32 CFR Ch. I (7–1–03 Edition)

who are key employees and their availability for mobilization, civilian employment, and physical condition. Data shall be maintained on retired Reserve members in accordance with 32 CFR part 114.

(5) Advise military retirees of their duty to provide the Military Services with accurate mailing addresses and any changes in civilian employment, military qualifications, availability for service, and physical condition.

(6) Preassign retired members, when determined appropriate and as necessary.

(7) Determine refresher training requirements in accordance with the criteria established in § 64.6(a)(8).

### § 64.6 Procedures.

(a) *Premobilization*—(1) *Management of military retirees*. Military retiree management systems should provide for rapid identification of retiree location and military skills to expedite reporting of retirees to a wide range of assignments and geographic locations in mobilization or crisis. As part of the criteria for assignment of individuals to specific mobilization billets, the Military Services should consider the criticality of the mobilization billet, the skills of the individual, and his or her geographic proximity to the place of assignment. To the extent possible, military retirees should be given the opportunity to volunteer for specific assignments. The Military Departments shall develop plans and procedures to identify military retirees excess to their needs. The Military Departments, other DoD Components, FEMA, SSS, and other Federal Agencies, as appropriate, shall provide a list of requirements to the Department of Defense. The Department of Defense shall establish priorities for fill once all requirements and excess personnel are identified and provide redistribution guidance.

(2) *Requirement validation*. The OASD(FM&P) shall review and validate each mobilization requirement for a military retiree. The criteria considered shall be the structure of the organization, the expanded workload requirements in a mobilization environment, current manpower authorizations, and existing manpower infra-

structures supporting the organizations.

(3) *Assignment priority*. The priority for use of military retirees shall be:

(i) Use by their own Service.

(ii) Use by another Service or a Defense Agency.

(iii) Use by a civilian Federal Department or Agency.

(iv) Any other approved use.

(4) *Preassignment of categories I and II military retirees*. When determined appropriate by the Military Service concerned, military retirees who physically are qualified maximally should be preassigned in peacetime, either voluntarily or involuntarily, to installations or to mobilization positions that must be filled within 30 days after mobilization. Key employees and category III retirees shall not be preassigned involuntarily. Severe hostilities may prevent the transmittal of mobilization orders to military retirees. All military retirees preassigned to mobilization positions or installations, either voluntarily or involuntarily, shall be issued preassignment or contingent preassignment orders.

(5) *Category III military retirees*. The nature and extent of the mobilization of category III retirees shall be determined by each Military Service, based on the retiree's military skill and, if applicable, the nature and degree of the retiree's disability. Category III retirees generally should be assigned to civilian jobs, unless they have critical skills or volunteer for specific military jobs. Age or disability alone may not be the sole basis for excluding a retiree from active Military Service during mobilization.

(6) *Military retirees living overseas*. Military retirees who live overseas maximally shall be preassigned in peacetime, as determined by the Military Service concerned, to meet mobilization augmentation requirements at overseas, U.S., or allied military installations or activities that are near their places of residence.

(7) *Military retiree information*. The development and maintenance of current information on the mobilization availability of military retirees shall be the responsibility of the Military Services. Such information shall include, but not be limited to, date of retirement, date

of birth, current address, and military qualifications. Additionally, the Military Services shall maintain information on the availability for mobilization and the physical condition of categories I and II military retirees. Indication of physical condition may be from certification by the individual military retiree.

(8) *Refresher training.* Each Military Service shall determine the necessity for, and the frequency of, refresher training of military retirees, based on the needs of the Military Service and the specific military skill of the military retiree. Emphasis should be on voluntary refresher training. Civilian-acquired skills may eliminate the need for refresher training.

(9) *Screening of military retirees—(i) Each Military Service* shall develop procedures for identifying categories I and II retirees, and shall conduct screening of retirees using this part and 32 CFR part 44 as guidance in formulating screening criteria.

(ii) *All military retirees* shall be advised to inform their employers concerning their liability for recall to active duty in a mobilization or national emergency, and, when applicable, the procedures for designating their position as a key position.

(iii) *Federal employers* annually shall review their employment rolls to determine if they employ any military retirees who are filling key positions, as defined in § 64.3.

(iv) *Non-Federal employers* also are encouraged to use the key position guidelines for making their own key position designations and, when applicable, for recommending certain military retirees for key employees status.

(v) *Key position designation guidelines.* In determining whether or not a position should be designated as a key position, employers should consider the following criteria:

(A) Can the position be filled in a reasonable time after mobilization?

(B) Does the position require technical or managerial skills that are possessed uniquely by the incumbent employee?

(C) Is the position associated directly with Defense mobilization?

(D) Does the position include a mobilization or relocation assignment in an

Agency having emergency functions, as designated by E.O. 12656?

(E) Is the position directly associated with industrial or manpower mobilization, as designated in E.O. 10480?

(F) Are there other factors related to national defense, health, or safety that would make the incumbent of the position unavailable for mobilization?

(vi) *Employers* who determine that a military retiree is filling a key position and should not be recalled to active duty in an emergency should report that determination to the cognizant military personnel center, using the letter format shown in Appendix A to this part. The list of Reserve personnel centers to which retiree-recall screening-determination recommendations shall be forwarded is at Appendix B to this part.

(b) *Mobilization—(1) General.* The Military Services shall establish plans and procedures to use those military retirees who meet specific skill and experience requirements to fill mobilization billets, when there is not enough active or qualified Reserve manpower available.

(2) *Involuntary order to active duty—(i) Twenty-year active military service retirees.* The Secretary of a Military Department may order any retired Regular member, retired Reserve member who has completed at least 20 years of Active Service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve to active duty at any time to perform duties deemed necessary in the interests of national defense in accordance with 10 U.S.C. 675 and 688. Retired Regular members of the Coast Guard may be ordered to active duty by the Secretary concerned only in time of war or national emergency in accordance with 14 U.S.C. 331 and 359.

(ii) *Reserve.* The Secretary of a Military Department may order any other retired member of a Reserve component of a Military Service to active duty for the duration of a war or emergency and for 6 months thereafter on the basis of required skills, provided:

(A) War or national emergency has been declared by Congress.

(B) The Secretary of the Military Department concerned, with the approval of the Secretary of Defense, determines there are not enough qualified Reserves

in an Active status or in the Inactive National Guard, under 10 U.S.C. 672(a).

(3) *Graduated Mobilization Response.* The Military Services shall develop plans and procedures for ordering military retirees to active duty in accordance with a schedule that includes pre-, partial, and full mobilization requirements.

(c) *Peacetime*—(1) *General.* The Military Departments shall establish procedures to order military retirees to active duty during peacetime.

(2) *Voluntary order to active duty*—(i) *Twenty-year active military service retirees.* The Secretary of a Military Department may order retired Regular members, retired Reserve members who have completed at least 20 years of active Military Service, or members of the Fleet Reserve or Fleet Marine Corps Reserve to active duty with their consent at any time in accordance with 10 U.S.C. 688.

(ii) *Other Reserve retirees.* The Secretary of a Military Department may order other retired members of a Reserve component to active duty with their consent in accordance with 10 U.S.C. 672(d).

(3) *Involuntary order to active duty.* The Secretary of a Military Department may order any retired Regular member, retired Reserve member who has completed at least 20 years of active Military Service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve to active duty without the member's consent at any time to perform duties deemed necessary in the interests of national defense in accordance with 10 U.S.C. 688. This includes the authority to order a retired member who is subject to the Uniform Code of Military Justice (UCMJ) to active duty to facilitate the exercise of court-martial jurisdiction under 10 U.S.C. 802(a). A retired member may not be involuntarily ordered to active duty solely for obtaining court-martial jurisdiction over the member.

APPENDIX A TO PART 64—LETTER FORMAT TO COGNIZANT SERVICE PERSONNEL CENTER REQUESTING EMPLOYEE BE SCREENED FROM RETIREE-RECALL PROGRAM

*From:* (employer-Agency or company)

*To:* (appropriate Military Service personnel center)

*Subject:* Request for Employee to Be Removed from Retiree-Recall Program

This is to certify that the employee identified below is essential to the nation's defense efforts in (his or her) civilian job and cannot be mobilized with the Military Services in an emergency for the following reasons:

Therefore, I request that (he or she) be exempted from recall to active duty in a mobilization or national emergency and that you advise me accordingly when that action has been completed.

*The employee is:*

Name of employee (last, first, M.I.)

Military grade and Military Service component

Social security number

Current home address (street, city, State, and ZIP code)

Title of employee's civilian position

Grade or salary level of civilian position

Date (YYMMDD) hired or assigned to position

Signature and Title of Agency

Company Official

APPENDIX B TO PART 64—LIST OF RESERVE PERSONNEL CENTERS TO WHICH RETIREE-RECALL SCREENING DETERMINATION SHALL BE FORWARDED

*Army*

Commander  
U.S. Army Reserve Personnel Center  
ATTN: DARP-PAR-M  
9700 Page Boulevard  
St. Louis, MO 63132-5200

*Navy*

Commanding Officer  
Naval Reserve Personnel Center  
ATTN: NRPC Code 10  
New Orleans, LA 70149

*Marine Corps*

Commandant (Code RES)  
Headquarters, U.S. Marine Corps  
Washington, DC 20380

*Air Force*

Air Reserve Personnel Center  
7300 East First Avenue  
Denver, CO 80280

*Coast Guard*

Commandant (G-RSM-1)  
U.S. Coast Guard  
2100 Second St. SW.  
Washington, DC 20593